



UNITED STATES PATENT AND TRADEMARK OFFICE

Am

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,884	04/21/2004	Bor-Min Tseng	TSM03-0763	5862
43859	7590	11/15/2006	EXAMINER	
SLATER & MATSIL, L.L.P. 17950 PRESTON ROAD, SUITE 1000 DALLAS, TX 75252			NGUYEN, KHIEM D	
			ART UNIT	PAPER NUMBER
			2823	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/828,884

Applicant(s)

TSENG, BOR-MIN

Examiner

Khiem D. Nguyen

Art Unit

2823

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: 5-8, 10, 11, 13, 16, 17, 38 and 39.
Claim(s) rejected: 1-4, 9, 12, 14, 15, 18, 19, 31-37 and 40.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Brook Kebede
BROOK KEBEDE
PRIMARY EXAMINER

K.N.
November 04th, 2006

Continuation of 11. does NOT place the application in condition for allowance because: Applicant contend that the prior art references Adan (U.S. Pub. 2003/0136992) in combination with Yeo et al. (U.S. Patent 6,521,939) herein known as Adan and Yeo, does not teach or suggest the claim limitation of forming first, second and third N+ regions in the same N well.

In response to Applicant's contention that Adan in combination with Yeo does not teach or suggest forming first, second and third N+ doped regions in the same N well, Examiner respectfully disagrees. Adan teaches a process of forming a semiconductor varactor device 21 including forming a first and a second differential varactor element on the semiconductor substrate, wherein forming each of the differential varactor element comprising the step of forming first 36, second 37 and third 24 N+ doped regions in the N well 22, 32, 35 (see pages 3-4, paragraphs [0051]-[0053] and FIG. 5) but does not explicitly disclose forming the first, second and third doped regions in the same N well as required by the Applicant's claimed invention. The Yeo reference, however, being used as a secondary reference to show that it is obvious to one of ordinary skill in the art at the time of the invention was made to form a semiconductor varactor device which include forming a first, second and third N+ doped regions in the same N well. Yeo discloses in (col. 5, lines 59-65 and FIG. 9) a process of forming a first, second and third N+ doped regions 104 in the same N well 100 so that the first gate 108 controlling the first and second N+ doped regions and a second gate controlling the second and third N+ doped regions (col. 6, lines 10-42). Yeo, further states that the N+ doped regions 104 formed in the same N well 100 can minimize resistance (col. 6, line 3) and also can obtain a high performance varactor on silicon in the manufacture of integrated circuit devices (col. 1, lines 8-11). In view of the above, Adan in combination with Yeo teach and suggest all the limitations as required by the Applicant's claimed invention.

For this reason, Examiner holds the rejection proper.